



Detached Accessory Dwelling Units

Director's Report
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City of Seattle
Department of
Planning and
Development

*For more information,
contact Jory Phillips at DPD
at (206) 386-9761 or
jory.phillips@seattle.gov*



What is a Detached ADU?

A detached accessory dwelling unit (detached ADU) is a small, often rented, living space, that is on the same lot but physically separate from a single family house.

Detached ADUs can create attractive and affordable rental opportunities in Seattle without changing the character or quality of life in existing single family areas.

Detached ADUs can provide greater flexibility for the homeowner - who is already allowed to rent out a portion of his or her home. They also offer a new housing type to Seattle that is desirable, quiet and affordable, and compatible with single family homes.

Introduction

The following proposal to amend the Land Use Code includes analysis and recommendations for use and development standards that would allow detached accessory dwelling units (detached ADUs) in Single Family Zones. The report describes detached ADUs and how they would fit into Seattle neighborhoods, and contains proposed development standards that would govern their establishment.

Background

In 1998, a Demonstration Program for Innovative Housing Design was established by the City Council to help further diversify Seattle's housing supply and provide an alternative to conventional detached houses, condominiums, or apartments. The Demonstration Program tested innovative residential design concepts, including detached ADUs, using alternative development standards and processes.

A brief summary of an evaluation of the projects completed under the Demonstration Program can be found in Appendix II of this report. It reviews four detached ADUs permitted under the Demonstration Program, and is part of an overall evaluation of the program mandated by the Council at the conclusion of the program.

Survey forms were mailed to all residents within 300 feet of constructed Demonstration Program projects to assist in their evaluation. Neighbors were asked about the impacts of the new detached ADU project in their neighborhood. On the whole, the results of the surveys were very positive.

Public Process

In preparing recommendations for code amendments to permit detached ADU's, significant measures have been taken to ensure community dialogue about detached ADUs:

- In February 2003, the Planning Commission held three focus groups, representing the general public, those familiar with the innovative housing concepts under consideration, and the design and development community, to discuss the broad community and development issues surrounding detached ADUs.
- After the focus groups, the Planning Commission and the Department Planning and Development (DPD) co-hosted a public forum to present the results of the focus groups and preliminary concepts for permitting detached ADUs. The forum included lively panel and small group discussions relating to both detached ADUs and cottage housing, (another form of innovative housing evaluated as part of the Demonstration Program).
- The information presented at the forum was posted online on the City's website, and included an online survey form identical to one that accompanied a brochure distributed at the forum. The brochure was also mailed to Seattle's neighborhood and community councils and planning groups.
- Staff also met with the Seattle chapter of the American Institute of Architects to discuss proposed development concepts and standards.

- Finally, staff has presented the proposal and gotten feedback from a variety of community members, including design professionals, community councils, and other organizations.

Meeting City Planning Goals

This proposal advances several Seattle Comprehensive Plan Goals and Policies for several plan elements, including Land Use, Housing, and Neighborhoods. Neighborhood Plan Goals can be found in the appendices of this report.

Comprehensive Plan Land Use Goals include:

- LG8 Accommodate the City's existing and future housing needs through maintenance of existing residential neighborhoods and the creation of new residential neighborhoods.
- LG9 More efficiently use limited land resources.
- LG14 Increase opportunities for detached single family dwellings attractive to many residents, including families with children.
- LG15 Encourage development of ground-related housing types including townhouses, duplexes, triplexes, ground-related apartments, small cottages, accessory units and single family homes.

Comprehensive Plan Housing Goals include:

- G4 Achieve a mix of housing types attractive and affordable to a diversity of ages, incomes, household types, household sizes, live/work situations and cultural backgrounds.
- G7 Accommodate a variety of housing types that are attractive and affordable to potential buyers.

The proposal also supports 1999-2004 Housing Consolidated Plan strategies by assisting homeowners with accessory dwelling units, by helping to produce affordable rental housing, and by helping to encourage private affordable rental housing.

ADUs and Current Zoning

Between 1900 and the 1950s, ADUs were commonly allowed under provisions related to domestic servants quarters. However, in ensuing years, concerns about neighborhood density, parking availability, and the protection of the single family character of Seattle neighborhoods led to the prohibition of ADUs of any sort. In 1993, in response to widespread concern about the escalating cost and availability of housing, the Washington State legislature required that communities develop legislation incorporating the appropriate safeguards to allow ADUs.

When Seattle adopted provisions for ADUs, concerns were raised about a large number being added in single family zones, as well as a concern that the single family zones were being “duplexed.” Most approximations turned out to be grossly overestimated (up to tenfold). At the time, there was some support for allowing detached ADUs, but provisions for them were not pursued, in part due to concerns about their effect on single family character. Since ADUs were first allowed, the Land Use Code’s ADU provisions have been amended, but not to allow detached ADUs.

Other Jurisdictions

A number of jurisdictions in the Puget Sound region allow both ADUs and detached ADUs in their single family zones. They include Clyde Hill, Issaquah, Kirkland, Mercer Island, Newcastle, Redmond, parts of unincorporated King County, Woodinville, and Yarrow Point. Appendix V includes more detailed information about the experience of some of these cities, as well as cities in California which have allowed both detached and attached ADUs for some time. ADUs and detached ADUs tend to be produced at the same rate and typically don’t exceed more than 1% of the total parcels they are allowed to be built on per year.

Current Rules

In Seattle, the rules governing accessory dwelling units allow ADUs outright in all single family zones. New ADUs must be added to or part of an existing structure and the property owner must reside in either the primary residence, or in the ADU. One off-street parking space



An addition to a single family home in Ballard meeting existing ADU rules. The detached ADU proposal will encourage smaller, more compatible structures.

must be available for the ADU, and all ADUs are limited to a maximum of 1,000 square feet in size (although there are some exceptions to both of these standards).

There are 1,200 ADUs in the city with final permits. 1,513 people have applied for ADUs since they were once again permitted in 1993. Approximately 20% of those applications are still

active, have been abandoned, or never received the final permit and certificate of occupancy for various reasons.

Figure 1, Issued and Finaled ADU Permit Applications, shows the trend of ADU permits since DPD began allowing them in August of 1994. (Data is incomplete for 1994, the first year that ADUs were allowed.) Applications for ADUs increased in the late 1990's, as did development activity in all sectors, consistent with the economic prosperity experienced throughout the region. Additionally,

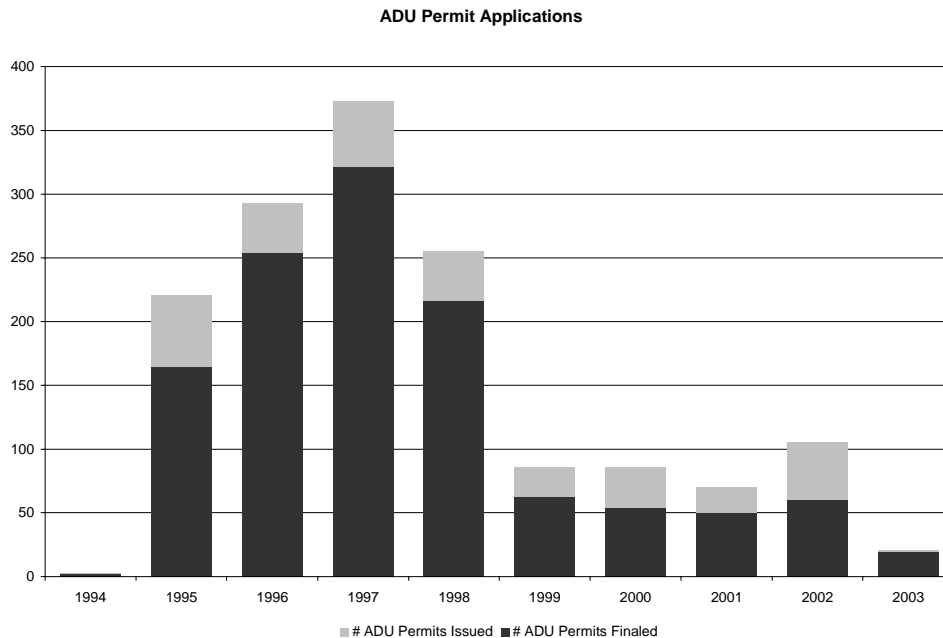
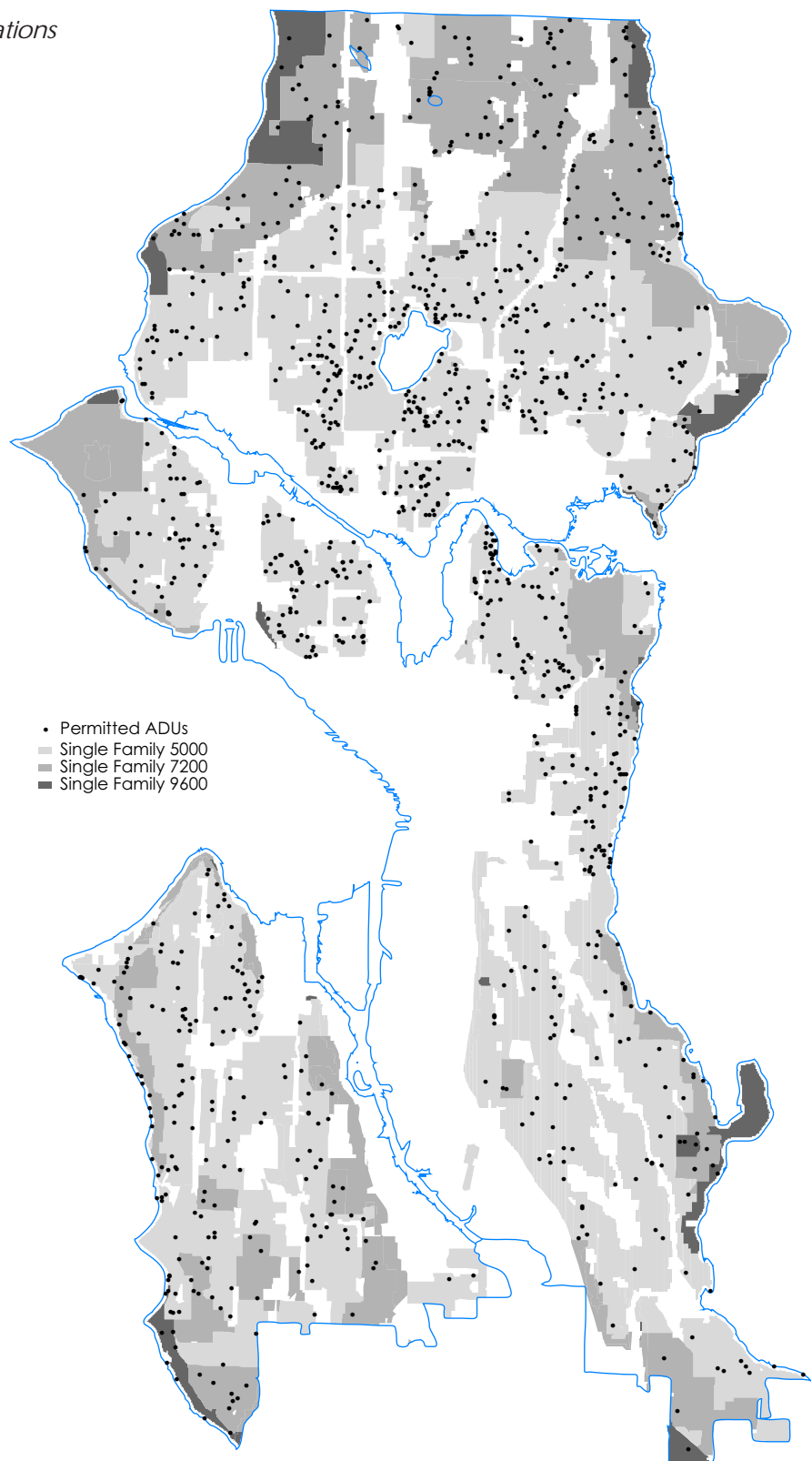


Figure 1: Issued and Finaled ADU Permit Applications

the large number of permits DPD issued between 1996 and 1998 can be attributed to the legalization of existing ADUs that were present throughout the city. Since 1998, the number of ADU applications has remained fairly consistent.

Complaints about illegal dwelling units have also remained steady over the last four years after a significant drop in complaints experienced after 1995, perhaps due to more widespread knowledge of the opportunity to legally establish ADUs. The number of violations issued by DPD has similarly dropped over time. Approximately a quarter of the violations result in permits issued to legalize ADUs.

Figure 2: ADU Permit Applications
Issued 1994 - July 2003



Analysis

Detached ADUs are a housing option that offers many of the benefits of single family homes—including a detached unit with no shared walls, a yard, and generally, a location in a single family neighborhood, and may be more affordable due to their smaller size.

As with any change to the Land Use Code, the potential benefits must be weighed against the potential impacts of increasing housing density in Seattle's neighborhoods. The potential benefits of detached ADUs include:

- more flexibility for a homeowner by allowing them to live in their main home or in the detached ADU;
- a financial benefit to the homeowner that further enhances their investment;
- a new housing type that is in-demand and a housing option not previously widely available;
- attractive and affordable housing for singles or young couples, or for older citizens who may find the upkeep and costs of maintaining a single family home increasingly daunting; both growing segments of the population in Seattle and nationwide;
- can be designed more sensitively to surroundings than an addition to, or redevelopment of, an existing home;
- allows more people the opportunity to enjoy some of the advantages of a single family home without having to own a home.

The Benefits of Detached ADUs

In order to assess the benefits of allowing detached ADUs, DPD has endeavored to estimate the number of detached ADUs that are anticipated to be constructed and the pace at which their construction is expected to proceed. Construction of detached ADUs, like ADUs generally, is dependent upon factors such as Seattle's overall economic condition, and the general strength of the local housing market. Several factors make it likely that fewer permit applications for detached ADUs can be expected than was experienced for attached ADUs:

- Not every home owner will want to be a landlord or share their property with someone else;
- The complexity of development of a detached ADU;
- The increased costs of construction; and
- Not all sites will be eligible (whereas attached ADUs could theoretically occur within any single family home).

Not everyone that may be eligible to build a detached ADU will choose to do so, just as not every single family home owner who could, has established an ADU in their home (a little over 1% have so far).

To convert or build a new detached ADU, most homeowners will need to hire a builder and/or architect. The owner, architect, or builder will need to apply for both a Master Use Permit and a building permit. Because detached ADUs are free standing structures, and subject to both the Seattle Land Use and Building Codes, it will likely be beyond the expertise of the average homeowner to construct one themselves. In contrast, many single family homes can more

easily incorporate an ADU into a finished basement or upstairs level, and if little or no construction work is being done, only two steps need to be taken: a permit for the ADU, and an inspection by DPD to confirm that the living space meets basic standards.

The costs to construct Demonstration Program detached ADUs (generally between \$100,000-\$200,000) indicate that it is probable that most will be long-term investments and not short-term revenue generators. The higher costs for detached ADUs make them less likely to be developed by most homeowners than their attached counterparts.

Still, the fact that they are detached may appeal to some homeowners that would like the flexibility and benefits that come with ADUs, but do not wish to share walls with others. Further, DPD may see a number of applications for detached ADUs in the first two to three years of allowing them due to pent up demand, but the numbers will not likely approach that which was experienced with attached ADUs, which to a large extent consisted of permitting existing illegal units. Development of detached ADUs will very likely slow and level off in following years as experience with attached ADUs demonstrated.

Permit data for attached ADUs from the years 1999-2002 was used as a basis for estimating detached ADU activity (see Appendix IV). According to the data, we may expect an average of around 59.5 new detached ADUs permitted per year over time, distributed among 119,000 single family parcels. Depending on a variety of factors, such as the economy and in particular, the housing market, more units could be permitted in a year (77 units is a estimated for high averages of more productive years)—but this is still a very small number compared to the total number of single family homes citywide. By comparison, DPD issues around 300 permits for new single family homes each year.

Addressing Detached ADU Concerns

The four biggest concerns cited by neighbors of Demonstration Program projects are listed below; these are the issues that are perceived to most affect existing neighborhoods. The proposed development standards for detached ADUs have been written to directly address these potential impacts. Additionally, detached ADUs may also have positive effects.

Traffic

At the neighborhood level, detached ADUs are not anticipated to result in more cars on the street, since accessory dwelling units are already allowed in single family dwellings. Detached ADUs help to address regional traffic congestion in the Puget Sound area by creating more housing choices in Seattle, nearer to jobs, transit, and goods and services.

Parking

The existing requirement of one off-street parking space per dwelling unit for any new ADU will be continued whether detached or incorporated into the existing dwelling unit. Exceptions for smaller lots and steep slopes will continue to apply in neighborhoods with on-street parking availability, and no changes to current provisions are proposed.

Privacy

Perceptual impacts can be more difficult to address than physical ones, such as the decrease in privacy. However, development standards have been crafted to minimize privacy impacts - and the perception of privacy impacts - by taking lot size, lot width, and the presence of alleys into account. No increase in impacts on privacy are anticipated beyond what may already occur as new single family houses are built or existing homes are remodeled and expanded.

Quality of Design

Proposed development standards have been crafted to help ensure a proper "fit" of a detached ADU with an existing house and neighborhood. Experience gained from the Demonstration Program for Innovative Housing Design reinforces the notion that one size does not fit all, and that proper "fit" can make detached ADUs successful. A combination of standards written to carefully control height, bulk, and scale relative to lot sizes, and a guide that helps applicants through the process while also encouraging architectural design that fits in with existing structures can help protect the character of existing neighborhoods.

Recommended Permit Process

Detached ADUs would be non-appealable Master Use Permit decisions. The level of review and regulations proposed reflects the size and relative impact of the type of housing proposed. No greater number of dwelling units is being proposed for single family zones than what is currently allowed; a greater number of separate structures may result, but not necessarily more people, lot coverage, or cars. As discussed in the next section, standards relating to lot coverage are maintained, and in most circumstances, no further open space could be lost relative to what is currently required. To maintain consistency with existing provisions for a single family home, or a single family home with an attached accessory dwelling unit, no additional level of review or review discretion is recommended for detached ADUs.¹

1. Because of their size and cost, administrative Design Review (which includes appealable decisions) would not be required for detached ADUs. All of the detached ADU applicants to the Demonstration Program specifically stated that the administrative Design Review process was too onerous or expensive for a project of this size. While the administrative Design Review Process helped shape several of the detached ADUs into better finished projects, addressing the bulk and scale of the projects was typically the most important aspect of these reviews. Bulk and scale will be appropriately shaped through proposed development standards, including floor-to-lot area requirements. The final aesthetics of the project will be left to the owner, who will still have to comply with Seattle Building Codes, which ensure reasonable livable space with appropriate insulation and siding, windows, access and other life safety features.

Proposed Development Standards

Proposed site and development standards for detached ADUs are as follows.

Objectives/Intent	Development Standards				
Basic site requirements help ensure space is available to fit a DADU and to maintain adequate open space	Minimum Lot Size	3,000 ft ²			
	Minimum Lot Width	25 ft			
	Minimum Lot Depth	70 ft			
	Maximum Total Lot Coverage (Including Main Structure)	35%			
Maximum heights proportionate to lot width to minimize overshadowing of existing homes and privacy of adjacent homes	Lot Width (feet)	Less than 30	30-35	36-40	Greater than 40
	Maximum Base Height (feet)	12	14	15	16
	Maximum Roof Pitch Height (feet)	15	21	22	23
	Maximum Shed or Butterfly Roof Pitch Height (feet)	15	18	19	20
Gross floor area limits help ensure that the size of DADUs are appropriate for the lot	Maximum Detached ADU Gross Floor-to-Lot-Area Ratio	ADU floor area is limited to 20% of the lot size, not to exceed 1,000 square feet including garage and storage area if part of detached ADU structure			
Setbacks ensure space is maintained between DADUs and surrounding lots	Minimum Side Yard Setback	5 ft to property line; 10 feet on corner lots			
	Minimum Rear Yard Setback	5 feet; no setback when rear lot line is adjacent to alley, 12 feet from the alley centerline when a garage faces the alley.			
Parking requirements will help maintain on-street parking availability	Off Street Parking Space	One per new unit required with some exceptions (same as for attached ADUs)			
The conversion of existing structures can result in minimal impacts and can help maintain neighborhood character.	Conversion of Existing Structures	Existing structures built before June 1, 1999, may be converted to detached ADUs, so long as the extent of nonconformity is not increased.			

Figure 3: Proposed development standards for detached ADUs.

It is important to note that the development standards are a combination of factors that can help to create successful projects. For instance, both allowed height and gross floor area are based on the size of a lot, yet both are intended together to control the bulk and scale of a new detached ADU. Additionally, the overlap of basic site and parking requirements will tend to direct detached ADUs to larger, wider lots and to lots on alleys.

Basic Site Requirements.

Detached ADUs may be allowed in single family zones if basic site requirements are met. The proposed requirements would help ensure that enough space is available on a lot to fit a detached ADU and that open space is maintained. A detached ADU would be allowed if:

- the lot is 3,000 square feet or larger;
- if the lot width is 25 feet or greater and the lot depth is 70 feet or greater;
- the maximum allowed lot coverage (35%) is not exceeded; and
- the detached ADU is not within the Shoreline District.

Some lots in Seattle have greater widths than depths - and exception will be provided to allow detached ADUs on those lots, so long as they are outside of rear and side yards. Additionally, there is an existing standard allowing a maximum of 40% rear yard lot coverage for accessory structures that will be maintained. This standard will tend to encourage detached ADUs more on wider lots and lots with alleys.

The maximum allowed lot coverage for SF zones is 35%. According to the City's Geographic Information System, about three-quarters of Single Family-zoned lots have 300 square feet or more allowed lot coverage available for an additional structure (300 square feet is an approximate minimum size for a newly constructed livable space, although the building code allows smaller living spaces).

These basic site requirements make approximately 15% of Single-Family zoned parcels ineligible for detached ADUs. Another 1,700 single family parcels fully within the Shoreline District buffer bring this total to 17%.

Height

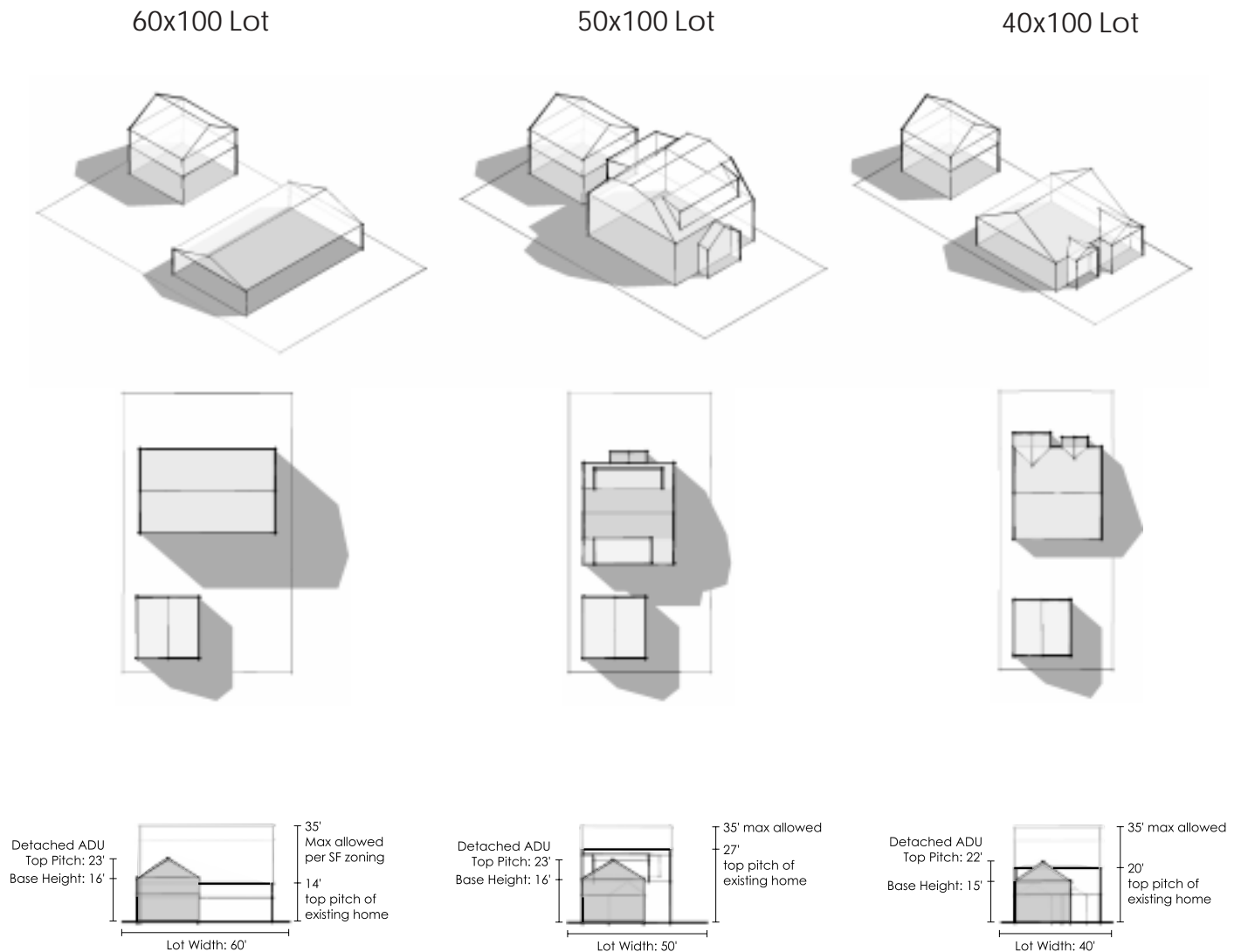
Proposed height limits are based on lot widths (with a cap) to ensure that detached ADUs do not unnecessarily cast shadows on existing homes and that privacy impacts are minimized.

The Demonstration Program evaluation confirmed that a roof pitch height of up to 24 feet is appropriate for new detached ADUs on large lots, as long as the bulk of the project is limited. A smaller, narrower, sloped lot was also successful with a 22-foot tall structure (13 feet tall on the uphill side) and a bulk proportional to the lot size.

To ensure that detached ADUs are diminutive relative to the height allowed for single family structures, a maximum roof pitch height of 23 feet is proposed for lots more than 40 feet in width, compared with 35 feet for single family structures. This maximum height limit is

Detached ADU Proposal Illustrations

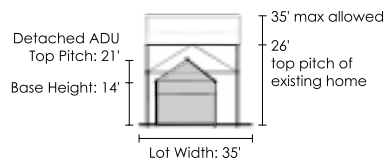
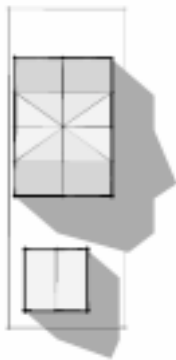
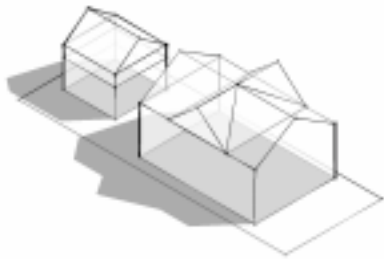
These diagrams illustrate how the proposed development standards for detached ADUs could work on a variety of lot sizes in Seattle.



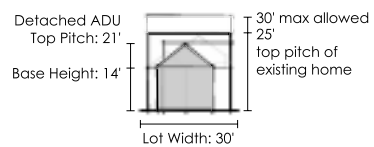
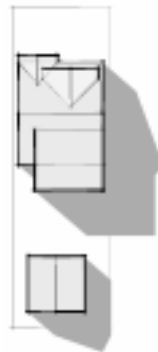
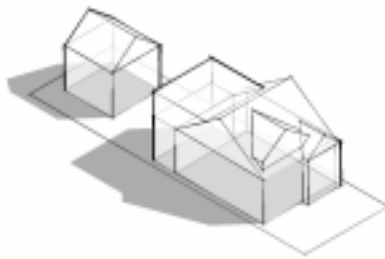
Note: Most maximum requirements begin at a lot sizes between 4,000 and 5,000 ft²

Figure 4: Illustration of effect of proposed development standards for multiple lot sizes.

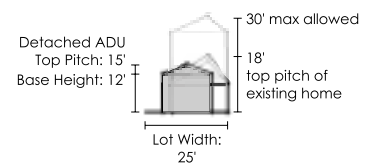
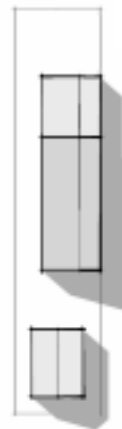
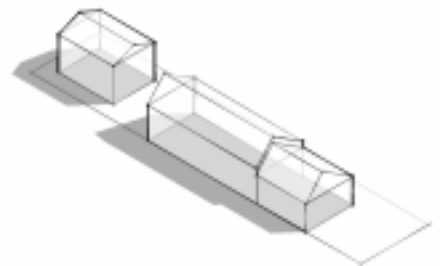
35x100 Lot



30x100 Lot



25x120 Lot



Note: Alley likely required for lots 30 ft. or narrower to meet lot coverage provisions.

intended to allow units above garages on wider lots. Lots less than 30 feet in width are allowed to have detached ADUs, but they must conform to existing height limits for accessory structures. A ratio based on the Golden Rectangle (see Appendix for more information) is used to make the maximum roof pitch heights of lots between 30 and 40 feet wide proportional to the width.

The base height of vertical walls, or the height just below the roof pitch, varied among Demonstration Program detached ADUs. The project with the tallest roof pitch had a base height of 11 feet, and the detached ADU above a garage on a sloping site in Wallingford had a base height of 17 feet with a flatter roof pitch above.

A tall enough base height will allow units above garages, particularly on narrower lots. To encourage units above garages while still ensuring that detached ADUs are of a height appropriate to the size of the lot, a maximum base height of 16 feet is proposed for lots over 40 feet in width. Similar to the maximum pitch height, a ratio is used for lots between 30 and 40 feet in width to determine the maximum base heights. These requirements are also based on the Golden Rectangle to make the maximum heights proportional to the lot width.

The maximum pitch height of 23 feet and maximum base height of 16 feet would apply to approximately 55% of single family lots. About a third of single family lots would be regulated by the height-to-width ratios, and around 3% of single family parcels would only be allowed to build a detached ADU under existing height rules for accessory structures.

Bulk and Scale

The bulk and scale of a detached ADU relative to its surroundings are ultimately the most important factors of whether or not a project will be successful. A gross floor area ratio with a maximum limit ensures that the size of detached ADUs are appropriate for the size of the lots they are built on.

Demonstration Program detached ADUs varied in the amount of gross floor area from 728 to 1,872 square feet, including garage and storage space. Gross floor area to lot area ratios varied from 0.15 up to 0.26. In the case of the highest floor to lot area ratio, some of the area included in the calculations might be considered below grade (on a sloping site) and not counted according to the proposed standard.

Accessory dwelling units are currently allowed up to 1,000 square feet if inside or attached to a single family structure. In this proposal, this amount would be maintained as a maximum for new detached ADU floor area. Lots smaller than 5,000 square feet would be regulated by a detached ADU floor-to-lot-area ratio of 20%. This means on a 4,000 square foot lot, a detached ADU would be limited to 800 square feet of above-grade floor area, including garages and storage areas. Due to existing lot sizes, the ratio would apply to approximately one third of all single family-zoned lots, with the remainder limited to a 1,000 square foot maximum. Gross floor area is calculated by adding the area of the floors of a structure bounded by the inside surface of exterior walls. If the area below the ceiling is completely below grade, it is not counted, so long as the total above and below-ground floor area does not exceed 1,000 square feet.

Setbacks

Setbacks ensure space is maintained between detached ADUs and surrounding lots. A five-foot side and rear setback would apply to detached ADUs. On corner lots, a side setback of 10 feet from the street would apply. On alleys, a detached ADU would be required to be set back 12 feet from the centerline of the alley.

Parking

One off-street space is currently required of accessory dwelling units, with some exceptions for small lots and steep slopes, provided on-street parking is available. These standards would be maintained for detached ADUs, further encouraging detached ADUs on alleys, where they tend to be less intrusive.

Conversions of Existing Structures

The conversion of existing accessory structures, such as detached garages, to accessory dwelling units, can result in minimal impacts while maintaining neighborhood character. The conversion of existing structures that do not comply with development standards for detached ADUs would be allowed, so long as the nonconformity is not increased. The conversion would be allowed for structures known to exist prior to June 1, 1999.

Many single family lots have small garages in a back corner at the end of a driveway. These provisions would allow them to be converted, and even added on to, although the height of the structure within the required setbacks could not be higher than what is allowed for accessory structures (12 feet with a 3-foot roof pitch). Any conversions that include an addition will not be allowed to exceed floor area, lot coverage, and rear yard lot coverage development standards.

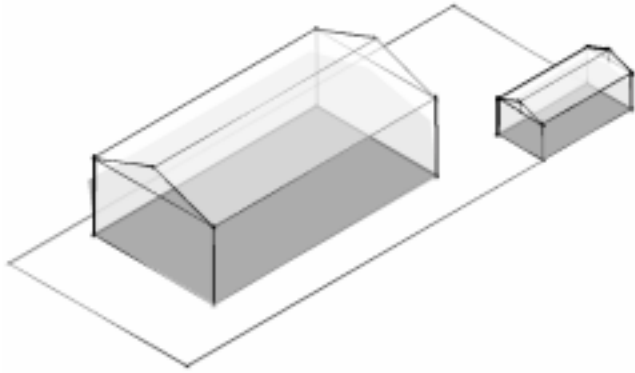
Figure 5 on Page 18 illustrates the potential development allowed by existing zoning compared to the proposed standards for conversion of an existing accessory structure to a detached ADU.

Overall Effect of Development Standards

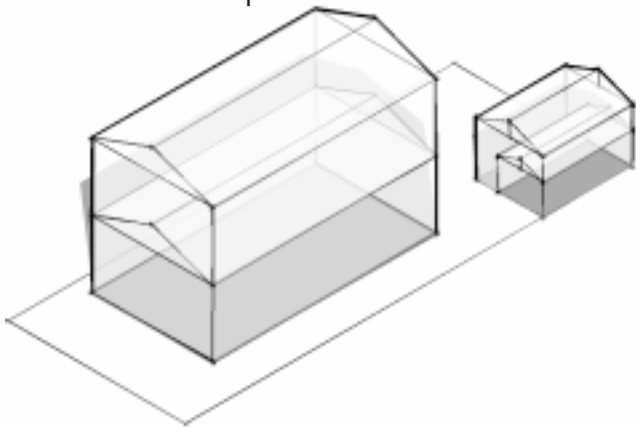
Proposed standards for detached ADUs place emphasis on encouraging new units on wider, larger lots on alleys, without specifically discouraging them from smaller lots or on lots without alley access. The proposed regulations would shape detached ADUs on smaller and narrower lots to help ensure that their height, bulk, and scale are appropriate and proportional to the size of the lot. The diagrams in Figure 4 on pages 14-15 illustrate the scale of detached ADU development allowed under the proposal for a variety of lot sizes.

There are 119,212 single family-zoned lots with a single family dwelling in Seattle, the majority of which are zoned Single Family 5000. Due to location, size, and lot coverage requirements, the proposal would render approximately 10% of these lots, which are scattered throughout the city, ineligible for detached ADUs. Another 6.6% of single family lots - those not on an alley, between 3,000 and 4,000 square feet in size - would likely have a more difficult time meeting the proposed detached ADU standards for parking, lot coverage, and rear yard lot coverage. It is likely that many of the 59.5 detached ADUs expected as a yearly average will be on larger lots.

Existing home and accessory structure



Home and accessory structure allowed under present code



Existing home and accessory structure converted to detached ADU (proposal)

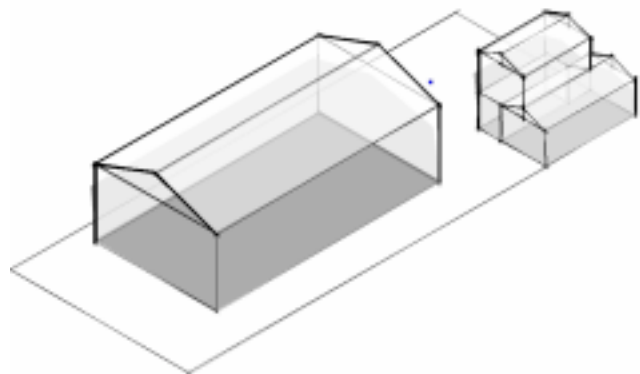


Figure5: Potential effect of proposed development standards for conversion of existing structure to detached ADU.

Assisting Homeowners

To help homeowners who may contemplate a detached ADU, DPD will work with the Office of Housing and other organizations to assemble information that will be published in a "How-to" guide or client assistance memo. These materials will be made available online and at DPD's Public Resource Center. Experience from the Demonstration Program for Innovative Housing Design projects will provide useful examples to guide homeowners.

Some of these "How-to" items could include:

- The location of the detached ADU should maximize on-site open space while also maximizing the privacy of adjacent homes.
- The size and location of windows should take the privacy of adjacent homes into account.
- The pitch of the roof and of dormers should reflect that of the primary structure.
- Window treatments, sizes, and locations should reflect those of the primary structure.
- Building materials and finishes should also reflect the primary structure.
- Detached ADUs should be designed to appear subordinate to the primary structure.
- Siting and landscaping should be used to minimize the visual appearance of detached ADUs.

Recommendation

The intent of the detached ADU proposal is to provide more housing options for Seattle residents. Several benefits may be expected from allowing detached ADUs outright in single family zones with appropriate conditions and limitations, including:

- more flexibility for a homeowner by allowing them to live in their main home or in the detached ADU;
- a financial benefit to the homeowner that further enhances their investment;
- a new housing type that is in-demand and a housing option not currently available;
- attractive and affordable housing for singles or young couples, or for older citizens who may find the upkeep and costs of maintaining a single family home increasingly daunting (these are all growing segments of the population in Seattle and nationwide);
- allows more people the opportunity to enjoy some of the advantages of a single family home without having to own a home; and
- allows an alternative housing type without significantly changing neighborhood character.

In summary, the proposed Land Use Code amendments would allow for detached ADUs on single-family zoned lots that meet basic lot size and location standards. Once land use provisions are adopted into the Land Use Code, DPD will finalize a Client Assistance Memo (or "How-to" guide) that will provide assistance to applicants in shaping sensitive and well-designed detached ADUs.

Development Standards

Proposed development standards (see Figure 3 on page 12) will accomplish the following:

- Basic site requirements will help ensure lots are appropriately sized to accommodate a detached ADU and that minimum open space is maintained.
- Maximum heights are based on lot width to help ensure that detached ADUs do not cause unnecessary shadowing of existing homes and that privacy impacts are minimized.
- Gross floor area limits help ensure the size of detached ADUs are appropriate for the size of lots they are built upon.
- Setbacks help ensure that space is maintained between detached ADUs and surrounding lots.
- Parking requirements will help to maintain on-street parking availability.
- Consistent with existing ADU provisions, owner occupancy requirements will help to ensure neighborhood investment and property upkeep.
- Consistent with existing ADU provisions, the maximum number of people allowed to live on a single family lot with a detached ADU will be 8 unrelated persons.
- Conversions of existing structures will minimize impacts and help to maintain neighborhood character, where desirable.

Other Proposed Changes

The Land Use Code currently includes provisions related to ADUs that duplicate provisions in the Seattle Building Code. These provisions prescribe minimum allowable ceiling height of six-feet-eight inches and includes an exception that allows ceiling heights as low as six-feet-four inches for accessory dwelling units that were in existence prior to October 17, 1979. Existing building code provisions allow a ceiling height of six-feet-eight inches, and allows ducts and similar features to be as low as six-feet-four inches. The proposal calls for removing this language from the Land Use Code and using the Seattle Building Code to regulate interior living spaces.

The proposed legislation would also delete a potential \$5,000 fine on a new owner of a single family home with an ADU if they fail to notify DPD of the change in ownership status. This requirement puts a burden on a homeowner to know the Land Use Code if they buy a home with an ADU. More importantly, the requirement is not needed to effectively enforce owner occupancy requirements for ADUs and can result in overly burdensome consequences for new homeowners. DPD recommends removing this language, as owner occupancy requirements will remain. A minor code change is also proposed to allow owner occupancy requirements to be met when a developer or builder builds a new single family home with either an ADU or a detached ADU.

The proposal also includes the removal of a provision in the Land Use Code that currently requires DPD to report to City Council on the number and location of ADUs permitted. The provision was included to help Council monitor ADUs over time when less was known about them and when it was estimated that Seattle would experience the development of many more ADUs than has been permitted over the course of the last ten years. DPD recommends that this requirement be deleted from the Land Use code primarily because the practice of reporting is an administrative act and not a requirement central to the purpose of regulating land use. Further, time has shown that many fewer ADUs have been added to homes than originally anticipated, and it has also been demonstrated that no particular neighborhood is impacted by a greater concentration of ADUs than another. DPD may still report to Council on the number and locations of ADUs and detached ADUs built over time through normal reporting means or upon request.

Finally, provisions in the Land Use Code that allow home occupations within a single family structure (including the primary residence and an accessory dwelling unit) are proposed to be slightly modified. The proposal applies a consistent approach and would allow home occupations in the detached ADU.

Conclusion

Recommendations or comments from affected departments, other government agencies or citizens, as well as environmental documentation, have been taken into account. These materials are available upon request.

DPD recommends approval of the proposed Land Use Code amendments.

Appendices

Appendix I: Related Neighborhood Plan Goals and Policies

Capitol Hill

- CH-P12 Strive to preserve and provide a variety of housing types, including some single-family and other small scale dwellings.
- CH-P13 Encourage a range of home ownership options for households with a broad spectrum of incomes.
- CH-P14 Encourage the preservation of existing housing structures and the maintenance of properties.
- CH-P15 Encourage the development of high quality new housing that blends with historic housing.

Central Area

- CA-P21 Ameliorate the potential impacts of gentrification through a variety of affordable housing programs and techniques.

North Beacon Hill

- NBH-P6 Support City housing initiatives such as the Mayor' s Housing Agenda recommendations and housing demonstration projects for affordable housing through design innovations for Accessory Dwelling Units (ADUs) and Residential Small Lot (RSL) zoning.

Greenwood/Phinney

- G/PR-P11 Support the development of Accessory Dwelling Units (ADUs) as a means to accommodate planned housing growth.
- G/PR-P12 Encourage the maintenance of existing viable housing stock for affordable housing.
- G/PR-P13 Support programs that allow existing owners and renters to stay in their homes.
- G/PR-P14 Support the development of smaller affordable housing units.

University District

- UC-P15 Employ a variety of housing types and development strategies to effectively provide for identified needs, including existing housing preservation, code enforcement, accessory units, new ground-related housing, and mixed-use midrise residential development.

Wallingford

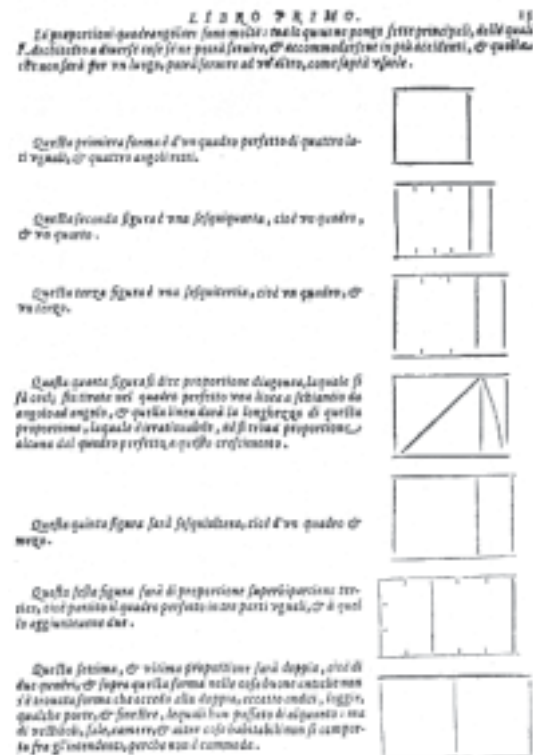
- W-P14 Encourage the development of Accessory Dwelling Units in the community as a housing affordability strategy.

Appendix II: Proportional Structure Heights and the Golden Rectangle

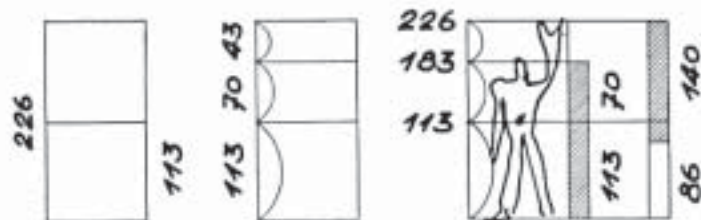
Since the time of the early Greeks, a ratio of approximately 1.618:1 has been used in art and architecture for its visible appeal. This number has many names, including the Divine Proportion, Phi, and the Golden Section. The ratio is also known as the Golden Rectangle. The number 1.618 can also be derived from a Fibonacci sequence, which is a sequence of numbers that occurs frequently in nature. Milan Pacioli's 1509 *Divina Proportione* was illustrated by Leonardo Da Vinci, who used the mathematical concept written about by Pacioli in his works. Finally, Le Corbusier, the famous modern architect, created his own system of architectural design based on the Golden Section, and used it in several of his buildings.

In short, this ratio has been used throughout history in the creation of art and architecture, and is even present in nature in branching plants, pine cones, and flower petals. As the diagrams for different-sized lots show, deriving maximum base and roof pitch heights from this ratio works to effectively maintain a natural proportion of detached ADU height to lot width, ensuring that the overall height of a new structure is not overwhelming to its surroundings.

The seven most important proportions in architecture [Serlio 1619: f. 15r]



Measures of the man [Le Corbusier 1948: fig. 23] © 2002 FLC/VG Bild-Kunst, Bonn.

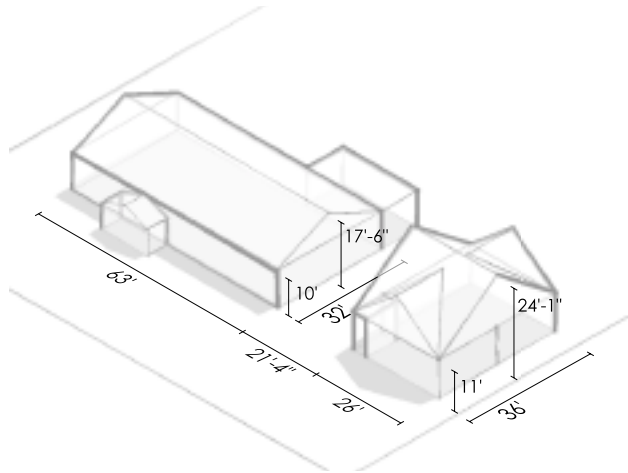


Illustrations from Marcus Frings, "The Golden Section in Architectural Theory", Nexus Network Journal, vol. 4, no. 1 (Winter 2002), <http://www.nexusjournal.com/Frings.html>

Appendix III: Summary of Demonstration Program Detached ADU Evaluations

Magnolia Detached ADU

This detached ADU in Magnolia sits at the rear of a large corner lot next to an alley amidst a single family residential area.



Neighborhood Impact Survey Results

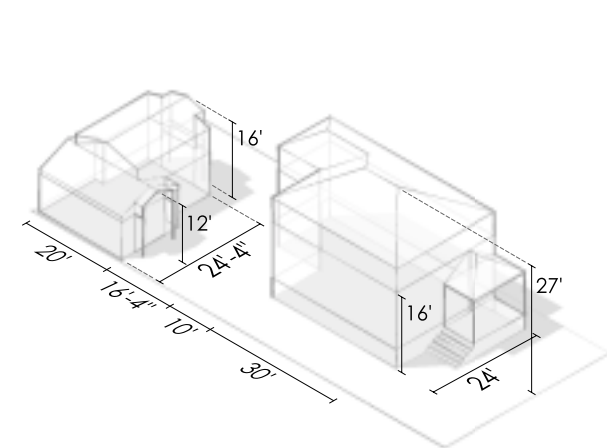
16%	19%	65%
Bad	Neutral	Good



A view of the primary structure (left) next to the detached ADU (right).

North Capitol Hill Detached ADU

The detached ADU structure, tucked behind the main home and barely noticeable from the street, replaced an existing detached garage.



Neighborhood Impact Survey Results

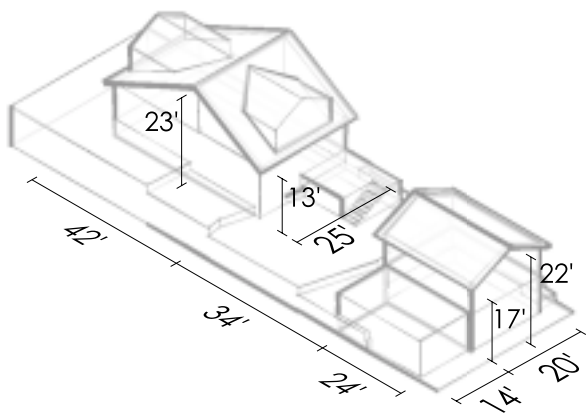
14%	30%	56%
Bad	Neutral	Good



The detached ADU matches the main home.

Green Lake Detached ADU

This detached ADU sits above a redeveloped detached garage on an alley.



Neighborhood Impact Survey Results

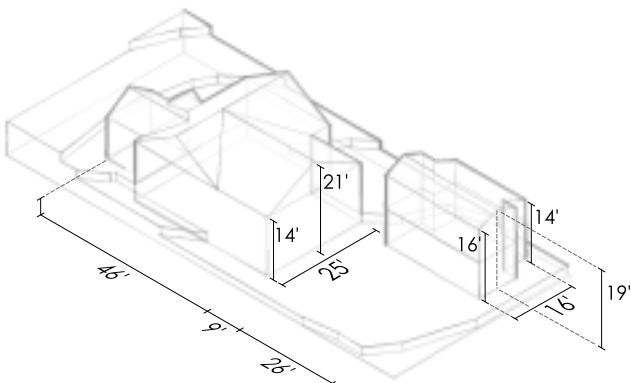
19%	22%	59%
<i>Bad</i>	<i>Neutral</i>	<i>Good</i>



The detached ADU sits on an alley above a two-car garage, next to a one-car garage with patio above.

Licton Springs Detached ADU

This detached ADU project in the Licton Springs neighborhood near Green Lake replaced an existing detached accessory unit with a larger dwelling. A parking space was added to provide one space for the main home and one for the detached ADU.



Neighborhood Impact Survey Results

47%	21%	33%
<i>Bad</i>	<i>Neutral</i>	<i>Good</i>



Vegetation helps screen the detached ADU (center) from the street. The main home is to the right.

Appendix IV: Estimating Detached ADU Production

Methodology

National research suggests a guideline for estimating ADU production. In 1989, Patrick Hare, a nationally-recognized expert in ADUs and detached ADUs, conducted surveys of 47 communities that allowed ADUs, detached ADUs, or both. He found that on average, communities with "good" zoning can expect to get approximately one ADU per 1,000 single family homes per year (hereby referred to as "Hare's rule"). Hare defined "good" zoning as that with less regulatory constraint. Such constraints could include longer permit approval times or higher permit fees. A 1995 document issued by the Municipal Research & Services Center of Washington also cites the restrictiveness of zoning regulations as a factor in the number of ADUs that may be expected.

Detached ADUs share the same name as attached ADUs because of two standards fundamental to their nature: they both are limited to sizes smaller than is allowed for single family homes, and they both require the homeowner to live on the same lot. No other housing type is regulated or restricted by these measures. Further, all jurisdictions researched allowing both ADUs and detached ADUs maintain these two standards, and they all consider the attached and detached versions of units to be ADUs. Given the extent of applicable regulations, scale of the units, and the fact that the decision to have an ADU or a detached ADU must be made by a homeowner, attached ADUs are the most appropriate comparison in estimating unit production. DPD's proposed detached ADU standards will further restrict detached ADUs than ADUs, in terms of size and other standards. Again, research indicates that greater levels of regulations and restrictions, and higher permitting costs, will tend to result in the production of fewer units. For clarity, it is not the intent of the proposal to produce fewer units, but it is the intent of this section to describe how DPD arrived at estimates of average future detached ADU production.

Estimated ADU and Detached ADU Production

Applying Hare's rule to Seattle, with its 119,212 single family parcels, we could have anticipated a total of approximately 119 units per year.

1,200 ADUs have been permitted in Seattle from 1995 through June of 2003; about 141 per year, dividing by 8.5. However, we know that the majority of the ADUs permitted from 1994-1998 were existing illegal units. Including these skews the results, because they do not represent new housing units (and thus no increase in housing supply nor a decrease in housing demand). It is easier for a person to have an illegal ADU in their home than it is for them to have an illegal detached ADU, where the evidence of someone illegally occupying the accessory structure is more easily observed and enforced. DPD's enforcement of illegal dwelling unit complaints supports this conclusion; enforcement officials estimate that among complaints of illegal ADUs, detached ADUs represent around 10-20% of all cases (for clarity: this is not indicative of future detached ADU production, because they are much easier to observe, and therefore enforce, than regular ADUs). Thus, while the proposal does include measures to allow the conversion of existing accessory structures, it is not anticipated that the same level of permitting activity shown by ADUs in first several years they were allowed, is anticipated for detached ADUs. This is in part because we presume that there are not the same number of illegal detached ADUs as there were illegal ADUs prior to 1994.

As such, we may use Hare's rule to predict the average total number of ADUs and detached ADUs over time. We can reasonably assume that some people who would have built an ADU will instead choose to build a detached ADU, increasing one figure while decreasing the other.

Reasserting our estimated reduction of 17 percent for parcels that would be ineligible to build a detached ADU, we anticipate a high estimate of approximately 77 detached ADUs per year over time distributed among 119,000 single family parcels.

An average of 93 ADUs have been permitted per year in the last four years since permitting has stabilized. Subtracting 77 from 93 leaves 26 units, which we could assume as average yearly detached ADU production, although this estimate is probably too low. Because the proposed regulations for detached ADUs are more restrictive than those for ADUs, are generally more expensive than ADUs, and because the process to permit them will be more lengthy and more expensive than ADUs, we anticipate fewer detached ADUs than attached ADUs per year. This assumption is supported by the research cited above.

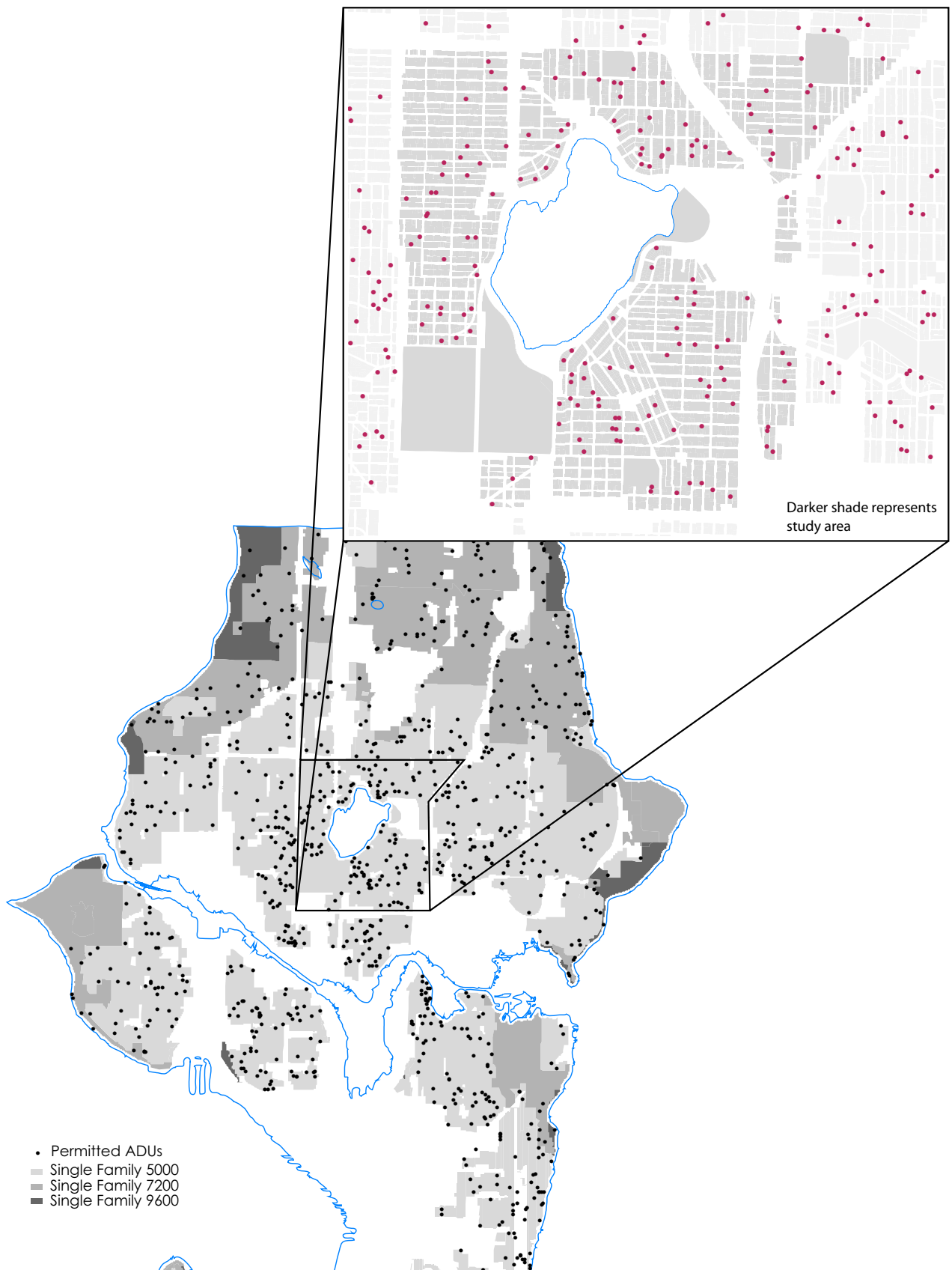
The next section of the appendix highlights other jurisdictions' experiences, both in the region, as well as jurisdictions in Oregon and California with comparable ADU and detached ADU provisions and housing markets (high demand, high cost). While some of the jurisdictions do not track ADUs and detached ADUs separately, those jurisdictions estimate that they see an even split in permitting. Among those contacted that do track them, Kirkland and Portland see a higher percentage of attached ADUs, and Oakland has experienced a slightly higher percentage of detached ADUs.

Based on this research, DPD estimates that Seattle can expect an even number of detached ADUs and ADUs built each year. We anticipate that Hare's rule will apply and yield an average of 119 total ADUs and detached ADUs per year, or 59.5 of each type of unit each year.

Potential of Geographic Distribution or Concentration

Of all the jurisdictions contacted, concentrations of ADUs or detached ADUs in any particular geographic locations have not occurred. Some jurisdictions have found them to be more apt to be built in areas with flatter topography.

In the vicinity of Green Lake (see map on following page), where a higher number of smaller single family lots relative to other parts of Seattle can be found, there are only 147 ADUs for 8,001 parcels, which comprise 1,096 acres of land. This is one ADU for every 54.5 parcels, or one ADU for every 7.46 acres of parcel land. This geographic area represents about 6.7% of the total number of Seattle's single family parcels, and over nine years has averaged about 16 ADUs added per year. It is important to note that the majority—114—of these ADUs were permitted between 1994 and 1998, a time period in which many existing illegal ADUs were legalized. Since 1998, 33 new ADUs were permitted in this area, or 7.3 per year.



Appendix V: Other Jurisdictions and Detached ADUs

Mercer Island

Mercer Island has allowed both ADUs and detached ADUs since 1995. In 1995 and 1996, the majority of the applications they received were to legalize existing illegal units. From 1997, Mercer Island saw an average of 13 ADU and detached ADU applications (they don't track them separately), with a high of 16 units per year and a low of seven units per year. Mercer Island has approximately 8,000 single family lots. Mercer Island may be best compared to areas of Seattle with larger single family parcels in more affluent areas, particularly those near water and on steeper slopes. The vast majority of their single family areas have minimum lot sizes of 12,000-15,000 square feet. Mercer Island staff has indicated that there have not been any concentrations of ADUs or detached ADUs in any particular neighborhoods or geographic areas.

Kirkland

Kirkland has allowed both ADUs and detached ADUs since 1995. Since then, they've permitted 37 detached ADUs and 49 ADUs, a total of 86 and an average of around 10 per year. Kirkland has 10,679 low density residential parcels where ADUs and detached ADUs can be built.

Redmond

Redmond has also allowed both ADUs and detached ADUs since 1995. Since they began allowing them, Redmond has only seen a handful (three to five) ADU or detached ADU applications per year. They do not track them separately. Redmond has approximately 13,000 single family lots.

Issaquah

Issaquah has had an experience similar to Redmond; their staff says that since 1996, only about 15 ADUs or detached ADUs have been permitted. Staff indicates that they are spread evenly throughout Issaquah.

Portland, Oregon

Portland, Oregon has allowed both ADUs and detached ADUs since 1997. Portland did extensive inventorying of the ADU and detached ADU units built during 1998 and 1999, Portland counted 27 ADUs and 16 detached ADUs in their city. Portland has approximately 100,000 single family units. Portland staff reports an even distribution of ADUs and detached ADUs among the zones they are allowed in.

Oakland, California

Oakland, California permitted 16 detached ADUs and 13 ADUs through a discretionary process between April 2000 and March 2003, nine of which were legalizing existing units. California has since passed statewide legislation requiring all of its jurisdictions to allow such units through a non-discretionary process. Oakland staff indicated that ADUs and detached ADUs have been distributed fairly evenly throughout the flatter areas of their city, where it is easier to build them.

San Diego, California

San Diego, California allows both ADUs and detached ADUs, but has only received 14 applications over the last 20 years. San Diego staff indicated that older neighborhoods, without covenants or neighborhood associations with more restrictive rules, are more likely to have either type of ADUs.

Santa Cruz, California

Santa Cruz allows ADUs, both attached and detached to single family structures, and has about 18,000 single family lots. From 1991 through 2001 (eleven years), only 89 ADUs were built, about 8 units per year. Santa Cruz made amendments in late June of 2002 to encourage more ADU production. The changes included allowing a greater number of ADUs (they increased the total allowed per year to 65) and modifying parking and other restrictions. Over the course of the next year, Santa Cruz permitted 20 ADUs. It is also important to note that this is well below the cap of 65 ADUs that they have in place.

Notes